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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/649,338	08/27/2003	Ralph L. Schipani	01450.0009-US-11	4169
22865	7590	04/21/2008		
Altera Law Group, LLC 220 S 6 St Suite 1700 Minneapolis, MN 55402			EXAMINER KATCHEVES, BASIL S	
			ART UNIT 3635	PAPER NUMBER
			MAIL DATE 04/21/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/649,338

Applicant(s)

SCHIPANI ET AL.

Examiner

BASIL KATCHEVES

Art Unit

3635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 November 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 and 23-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 21 and 23 is/are allowed.
- 6) ☒ Claim(s) 1-7, 14-19 and 24 is/are rejected.
- 7) ☒ Claim(s) 8-13, 20, 25, 26 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

The applicant has cancelled claim 22. Pending claims 1-21 and 23-26 are examined below.

Double Patenting

The double patenting rejection of the previous office action stands. The applicant has submitted a terminal disclaimer dated 11/5/07 in response to the double patenting rejection of the previous office action. Upon approval, the double patenting rejection of the previous action will be removed.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-7, 14-19, 24 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent no. 3,011,586 to Harvey Jr.

Regarding claims 1, 5, 6, 14, 17, and 21-23, Harvey discloses the method of assembling and use of a foldable truss including a plurality of side members (20,30) each including an elongate support (21,22,31,320 having side surfaces, a bridging member (33,34,35), (23,24,25) (45,55) having extensions (26) at opposite ends thereof, a plurality of hinges (36,46,56) and at least one latching (linking) member (fig. 3: 60). In

reference to claim 5, the latching member (60) is fixedly attached to the hinges (see the bottom of figure 2). In reference to claims 22 and 23, the side members (20,30) are rotated to a folded and unfolded position wherein in the unfolded position, the latching members (60) are attached thereto by indentation members (63).

Regarding claim 2, Harvey discloses the bridging members making a sawtooth pattern (fig. 5).

Regarding claim 3, Harvey discloses the latching member as engagable with the peaks of the bridging members (fig. 2: see bridging member attached onto truss).

Regarding claim 4, Harvey discloses a support member (66) on the latching member.

Regarding claim 7, Harvey discloses the latching linkage (60) as having two portions (sides with 68), each part being inherently rotatable to the truss (see 63 & 68, requiring rotation for engagement) and a pivot between sections (see sleeves attached to 66 and opposite 68).

Regarding claims 15, 16, Harvey discloses the latching means as attached to the hinge means (fig. 2), and having indentations (63) engagable to the side members means (fig. 2).

Regarding claim 18, Harvey discloses the linking means (60) as having a pair of pivot bars (61, 62) rotatable and attachable to the truss, and the other end of the bars contains a latching means (opposite 63) which latches to the truss and prevents rotation of the truss.

Regarding claim 19, Harvey discloses the pivot latching means (fig. 3: left side 63) as inherently rotatable and attached to the ends of the pivot bars (61).

Regarding claim 24, Harvey discloses the method of unfolding the truss as in the rejection of claim 1. In addition, Harvey discloses the pivot bars (61, 62) attached to the truss, rotatably pivoted and latched to the opposite side of the truss to secure it from movement. The pivot latching member (fig. 3: opposite side of first end).

Allowable Subject Matter

Claims 21, 23 are allowed.

Claim Objections

Claims 8-13, 20, 25, 26, is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments filed 11/5/07 have been fully considered but they are moot under new grounds of rejections.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Basil Katcheves whose telephone number is

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(571) 272-6846. The examiner can normally be reached on Monday-Friday from 7:30 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's /Basil Katcheves/

Primary Examiner, Art Unit 3635